

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on February 7, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SR 12, SB 385, HB 293,
1/27/2001
Executive Action: SR 17, SR 14, SJ 9, SR 15,
HB 231

{Tape : 1; Side : A; Approx. Time Counter : 0}

HEARING ON SR 12

Sponsor: SEN. DON HARGROVE, SD 16, Belgrade

Proponents: Ann Hedges, Montana Environmental Information Center
Gail Abercrombie, Montana Petroleum Association

Opponents: None

Hearing on SR 12

Jan Sensibaugh opened the confirmation hearing SR 12 for the **Director of the Department of Environmental Quality EXHIBIT (sts31a01)** by giving information about her past work experience, reasons for wanting this position, and her goals as director.

Proponents' Testimony:

Ann Hedges, Montana Environmental Information Center, told the committee that **Jan Sensibaugh** was fair and honest, showing a strong commitment to public involvement as well as a strong commitment to Montana Environmental Policy Act.

Gail Abercrombie, Montana Petroleum Association, said she had worked with **Jan Sensibaugh** in a variety of situations with one of the highlights having been the Clean Air Act Advisory Committee. The groups **Ms. Sensibaugh** has put together work very well, she added, with a lot of give and take during those meetings.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. JOHN BOHLINGER asked **Jan Sensibaugh** if there was a need for the Emission Control Plan. **Ms. Sensibaugh** responded that the department had struggled with this very complicated situation. She said it was often difficult to determine who was responsible for the emission. **Ms. Sensibaugh** told the committee with what was currently in place with the monitoring network and the modeling done in the past, the department could adequately protect Billings from any SO2 problems. If the department would see an accedence, they would go back and develop a plan.

SEN. BOHLINGER asked **Jan Sensibaugh** if there was a need for more staff in Billings. **Ms. Sensibaugh** answered that staff in the field are wonderful, but there was a limited amount they could hire because of limited funding. Many of those hired go to permitting, she added. **Ms. Sensibaugh** said it would not be a good management decision to add more staff.

SEN. BOHLINGER told **Jan Sensibaugh** there appeared to be an imbalance considering that nearly 75% of the budget for her department was generated from eastern Montana and that area only had around 10-20% of the staff. She responded that was somewhat

of a problem; however, the department received fees from emissions and the companies with the larger amount of emissions already have a plan in place with people and equipment to monitor those emissions, so they do not need as many department staff members to do the monitoring for them.

SEN. KEN TOOLE stated to **Jan Sensibaugh** that the Department of Environmental Quality appeared to have had the most MEPA activities. **Jan Sensibaugh** responded that in the year 2000, her department issued approximately 4,900 licenses and permits. All of those had environmental review documents that go with them. She added there was a perception, based on some of the major facilities that they had tried to permit, that MEPA was something to slow down the permitting process and could be used to halt the permitting process. If looking at isolated cases, that could be the case, but it was not the case if looking at the total picture.

SEN. TOOLE asked **Jan Sensibaugh** how they would issue permits if MEPA did not exist. **Ms. Sensibaugh** answered there were two processes in the department that work together: (1) the permitting process where the department analyzed the permit for the impact on air quality, and (2) MEPA, where the department looked at the entire range of everything that could be impacted by the facility such as wildlife, socioeconomic, and soil impact.

SEN. TOOLE asked **Jan Sensibaugh** if MEPA was not in place, what litigation would follow. She responded that a MEPA law was needed to look at the requirements before taking action to be sure nothing was missed. MEPA requires the department to take a broader view and that was important, **Ms. Sensibaugh** added.

SEN. TOOLE asked **Jan Sensibaugh** about her commitment in the funding for citizens groups as compared to dealing with paid employees in the collaborative process. **Ms. Sensibaugh** responded the department had attempted in the past to get funding for some of those groups, but were not real successful. She added they had attempted to hold the collaborative meetings in different locations throughout the state to ensure more people an opportunity to attend at some point in the process. **Jan Sensibaugh** stated the importance of having a good mediator to provide a balance between the different sides of an issue.

SEN. JIM ELLIOTT asked **Jan Sensibaugh** why it took two years to get a permit for the Miranda Mine, yet it took 14 years for the permit for the adjacent Rock Creek Mine. She answered one issue was the evolution of science, which differed the mining process from one mine to another.

SEN. ELLIOTT asked **Jan Sensibaugh** how to balance the two concerns about diesel generators - (1) the economic aspect of affordability of electric power, and (2) the environmental aspect. **Jan Sensibaugh** responded the department had already been working with people from those industries to develop some legislation. The Department of Environmental Quality did a modeling effort for the state to determine the emissions from the diesel generators and how large the generators could be before there was an emission problem. **Ms. Sensibaugh** told the committee it was determined to be 10 megawatts.

SEN. ELLIOTT said some highway projects were shut down because DEQ had not given waste water run-off permits. **Jan Sensibaugh** answered the department had gotten an adverse court ruling that shut down the storm water permitting for a specified time period.

SEN. DON HARGROVE requested **Jan Sensibaugh** to comment on the agriculture community's concern about the movement toward non-point source of pollution. **Ms. Sensibaugh** responded that concern was part of the TMDL project in bringing the agricultural community together with other groups of people to negotiate and solve the problem. She added that was one of the communication areas that needed to be worked on because there was a lot of concern on the part of the agriculture community.

SEN. HARGROVE asked **Jan Sensibaugh** if she was planning on evaluating the department. **Ms. Sensibaugh** responded that because of the major reorganization four years ago, she would like to look at the reorganization to identify areas that were causing problems. **Ms. Sensibaugh** told the committee her department was a very large fee supported agency. She required people to justify the fees charged, though.

Jan Sensibaugh closed SR 12 by telling the committee the Department of Environmental Quality was challenging and fun. She said she wanted to improve the credibility and integrity of the department.

EXECUTIVE ACTION ON SR 17

Motion/Vote: **SEN. ELLIOTT** moved that **SR 17 BE ADOPTED. Motion carried unanimously.**

EXECUTIVE ACTION ON SR 14

Motion/Vote: SEN. FRANKLIN moved that SR 14 BE ADOPTED. Motion carried unanimously.

EXECUTIVE ACTION ON SJ 9

Motion/Vote: SEN. TOOLE moved that AMENDMENT SJ00901.ADN EXHIBIT(sts31a02) BE ADOPTED. Motion carried 6-0.

Motion/Vote: SEN. TOOLE moved that SJ 9 DO PASS AS AMENDED. Motion carried unanimously.

HEARING ON SB 385

Sponsor: SEN. LORENTS GROSFIELD, SD 13, Big Timber

Proponents: None

Opponents: None

Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, SD ad, Big Timber, stated this bill deals with courtesy training for the state employees.

{Tape : 2; Side : A; Approx. Time Counter : 0}

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. TOOLE asked SEN. GROSFIELD if there were any scientific data collected on this issue. SEN. GROSFIELD responded there were not any studies done, but he would like the attention to courtesy to be addressed in the state agency training programs.

SEN. TOOLE asked John McEwen, Administrator of the State Personnel Division if the Professional Development Center offered any course relating to courtesy training. Mr. McEwen distributed EXHIBIT(sts31a03) a hand-out on quality customer service.

SEN. TOOLE asked **John McEwen** how much it cost the state to put on the trainings. **Mr. McEwen** replied that it cost around \$13 per employee, with the courses being held every quarter.

SEN. BOHLINGER told **SEN. GROSFIELD** he enthusiastically endorsed the concept of this bill, but that he had questions relating to how to teach manners and respect. **SEN. GROSFIELD** responded that new employees receive training and he would like the courtesy training to be implemented into those training sessions. He added that the reputation of state government should be positive.

SEN. TOOLE asked **SEN. GROSFIELD** if he would resist making the courtesy training mandatory for all state employees with a fiscal note. **SEN. GROSFIELD** responded that he feared that action would kill the bill because there would not be enough money to support this.

SEN. TOOLE asked **SEN. GROSFIELD** if there might be a problem with the public's perception of state government mandating courtesy training with no resources to carry it out.

SEN. FRANKLIN asked **John McEwen** if the Department of Administration had a mission statement. **John McEwen** replied that they did have a mission statement. **SEN. FRANKLIN** asked if the mission statement was included in the training process of employees. **Mr. McEwen** answered that employees were provided some instruction on the mission statement.

SEN. BOHLINGER asked **John McEwen** how difficult it was to terminate employees who were consistently reported as being discourteous. **John McEwen** responded that there were two types of employees; (1) probationary employees who could be dismissed with no questions asked, and (2) permanent employees who had to be dismissed for a cause, with a warning beforehand. There was also a grievance procedure in place, he added.

SEN. ELLIOTT told **SEN. GROSFIELD** he had called state agencies many times and had never had anyone be rude. He expressed concern, however, about the excessive use of voice mail and not being able to talk to a human being. **SEN. ELLIOTT** asked **SEN. GROSFIELD** if he would object to an amendment to include voice mail in this bill. **SEN. GROSFIELD** replied that he agreed with **SEN. ELLIOTT's** frustrations about excessive voice mail, but did not feel that concern would fit in with the title of this bill.

SEN. EKEGREN asked **SEN. GROSFIELD** if this would be a one-time training for employees. **SEN. GROSFIELD** answered that the intent was to put this in statute so that it would be on-going.

SEN. EKEGREN asked **SEN. GROSFIELD** if each department would train its own employees. **SEN. GROSFIELD** replied that was correct.

SEN. HARGROVE asked **SEN. GROSFIELD** if this legislation would at least highlight the importance of courtesy and respect. **SEN. GROSFIELD** agreed with **SEN. HARGROVE**.

Closing by Sponsor:

SEN. LORENTS GROSFIELD, SD 13, closed on SB 385. **SEN. GROSFIELD** told the committee that successful businesses are the ones that provide good customer service and the government should strive to provide good customer service too with a friendlier governmental environment.

{Tape : 2; Side : B; Approx. Time Counter : 0}

HEARING ON HB 293

Sponsor: **REP. CHRISTOPHER HARRIS, HD 30, Bozeman**

Proponents: **Bob Brown, Secretary of State**
Mike Cooney, representing himself
Darrell Holzer, Montana AFL-CIO
Doug Mitchell, Montana Conservation Voters Education Fund

Opponents: **None**

Opening Statement by Sponsor:

REP. CHRISTOPHER HARRIS, HD 30, Bozeman told the committee that the intent of this bill was to repress the amount of cynicism toward government. **REP. HARRIS** explained laws on tie votes. **EXHIBIT(sts31a04)**

Proponents' Testimony:

Bob Brown, Secretary of State, expressed support for this bill. **Bob Brown** added that uniformity was important in tie votes. He said the same person doing the same procedure needs to be in place. **Mr. Brown** stated this bill would simplify the process of deciding tie votes.

Mike Cooney, representing himself, said we would be better off having a consistent law in place. This bill would answer the question in a simple, yet meaningful way, he said.

Darrell Holzer, Montana AFL-CIO, expressed support for this bill, saying that any approach to one easily understood process for deciding tie votes makes sense.

Doug Mitchell, Montana Conservation Voters Education Fund, said his organization's issue was how to continue to have faith and activity in the electoral process. Tie votes being decided in the current manner have the danger of disenfranchising a certain group of people. This bill would give both sides a chance in the tie vote, he said.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. HARGROVE asked **Secretary of State, Bob Brown**, if there were any problems with term limits with U.S. Senators. **Bob Brown** answered that congress would determine the requirements for its own membership.

SEN. HARGROVE asked **REP. HARRIS** if there were any problems with term limits with U.S. Senators. **REP. HARRIS** replied that there was no federal or state regulation to hold a special election in a tie vote.

SEN. HARGROVE asked **REP. HARRIS** if this bill pertained to situations always after a re-count. **REP. HARRIS** answered that it did. **David Niss** told the committee that the entire part concerning after a re-count was repealed.

Closing by Sponsor: **REP. CHRISTOPHER HARRIS, HD 30**, closed on HB 293.

EXECUTIVE ACTION ON SR 15

Motion/Vote: **SEN. EKEGREN** moved that **SR 15 BE ADOPTED**. Motion carried unanimously.

EXECUTIVE ACTION ON HB 231

Motion/Vote: **SEN. TOOLE** moved that **HB 231 BE CONCURRED IN**. Motion carried unanimously. **SEN. EKEGREN** will carry HB 231 to the Senate.

ADJOURNMENT

Adjournment: 12:00 P.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts31aad)